

MATERIALS

FOR

CANADIAN COMPETITION POLICY

PROFESSOR MICHAEL TREBILCOCK

VOLUME III

1998

University of Toronto

Faculty of Law

NOTE: THESE MATERIALS ARE NOT TO BE CONSIDERED PUBLISHED, AND THIS COMPILATION IS INTENDED SOLELY FOR TEACHING PURPOSES

BOAR LACKIN LAW LICEARY

NOV 1 0 1997

FAGRED SC LAW UNIVERSITY OF TARONTO

BUKA LASKIN LAW LIBRAK. UNIVERSITY OF TORONTO

MATERIALS

FOR

CANADIAN COMPETITION POLICY

PROFESSOR MICHAEL TREBILCOCK

VOLUME III

1998

University of Toronto

Faculty of Law

NOTE: THESE MATERIALS ARE NOT TO BE CONSIDERED PUBLISHED, AND THIS COMPILATION IS INTENDED SOLELY FOR TEACHING PURPOSES

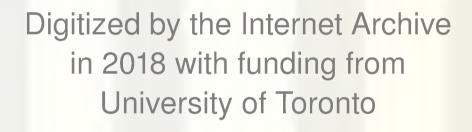


TABLE OF CONTENTS

Volume I

WEEK I INTRODUCTION

A.	WELI	FARE ECONOMICS AND THE MONOPOLY PROBLEM
	Posner	Press, 1976), chap. 2, pp. 8-22
	Willian	mson, O. "Economies as an Antitrust Defense: The Welfare Tradeoffs", 58 <u>AER</u> , March 1968, pp. 18-36
	Baxter	, William F. & Kessler, Daniel P., "Towards a Consistent Theory of the Welfare Analysis of Agreements", 47 Stanford L.R. 615
В.	GOAL	LS OF ANTITRUST
	B. Dur	alop, D. McQueen, and M. Trebilcock, <u>Canadian Competition Policy: A Legal and Economic Analysis</u> (Toronto: Canada Law Book, 1987), chap. 4. pp. 58-71I-45
	Thoma	us W. Ross, "Introduction: The Evolution of Competition Law in Canada" (1997) (unpublished introduction to a forthcoming symposium on Canadian competition policy)
	Nancy	Gallini, Michael Trebilcock and Edward Iacobucci, "A Comparative Overview of the Evolution of Competition Policy" (1994) (unpublished)
	Stanbu	ry, W.T., "Expanding Responsibilities And Declining Resources: The Strategic Responses of the Competition Bureau 1986-1996", October 1996 (draft)I-111
WEEK	X II	MEASURING MARKET POWER AND DEFINING THE RELEVANT MARKET
	Willian	m Landes and Richard Posner, "Market Power in Antitrust Cases", 94 <u>HLR</u> , March 1981, pp. 937-997
	Demse	etz, H., "Barriers to Entry", 72 AER. March 1982, pp. 47-57 (edited)II-61
	Salop,	S., "Measuring Ease of Entry", 31 <u>Antitrust Bulletin</u> , Summer 1986, pp. 551-570

	<u>United</u>	States v. <u>Aluminum Company of America</u> , 148 F. 2d 416 (2nd Cir. 1945) (edited). II-92
	<u>United</u>	States v. E.I. duPont de Nemours and Company, 351 U.S. 377 (1956)(edited)II-98
WEEK	III	MULTIFIRM CONDUCT: COLLUSION
	P. War	rner and M. Trebilcock et al., 'Rethinking Price-Fixing Law' (1993) 38 McGill Law Journal p. 679 (footnotes omitted)
	Jacque	min, A., and M. Slade, "Cartels, Collusion and Horizontal Merger" Ch. 7 in <u>The Handbook of Industrial Organization</u> , R. Schmalensee and R.D. Willig (eds.) (1989) North-Holland
	Debow	, M. "What's Wrong With Price Fixing", 1988, Regulation, no. 2, pp. 44-50.III-52
	<u>United</u>	States v. Sealy. Inc. 388 U.S. 350 (1967), as edited in Breit, W. and K. Elizinga (eds.), The Antitrust Casebook: Milestones in Economic Regulation (Dryden Press, 1982)
	<u>R.</u> v <u>N</u>	ova Scotia Pharmaceutical Society ((1993) 49 C.P.R. (3d) 289 (N.S.S.C.)III-61
	<u>Atlanti</u>	<u>c Sugar Refineries Co. Ltd. et al. v. A.G. Canada</u> , (1980) 54 C.C.C. (2d) 373 (S.C.C.)
	<u>R.</u> v. <u>C</u>	Clarke Transport Canada Inc., Consolidated Fastfrate Transport Inc., et al, (1995) Ont Ct. (Gen. Div.), November 9th, File No. TO-209220III-108
WEEK	IV	MULTIFIRM CONDUCT: MERGERS I
	Salop,	S., and J. Simons, "A Practical Guide to Merger Analysis", 29 <u>Antitrust Bulletin,</u> Winter 1984, pp. 663-703IV-1
	Directo	or of Investigation and Research, Competition Act, <u>Merger Enforcement</u> <u>Guidelines</u>
	A. Neil	Campbell and Michael J. Trebilcock, "Interjurisdictional Conflict in Merger Review" ch. 5 in <u>Competition Policy in the Global Economy</u> , Leonard Waverman, William S. Comanor and Akira Goto, eds. (New York: Routledge, 1997)

WEEK V MULTIFIRM CONDUCT: MERGERS II

Canada (Director of Investigation and Research) v Hillsdown Holdings (Canada) Ltd., (1992) 41 C.P.R. (3d) 289
Canada (Director of Investigation and Research) v. Southam Inc. et al (1995) 127 D.L.R. (4th), F.C.A
A. Neil Campbell, "Proposals For Reforming the Merger Review System", ch. 16 in Merger Law and Practice: The Regulation of Mergers under the Competition Act (Scarborough: Carswell, 1997)
Donald G. McFetridge, "Merger Enforcement Under The Competition Act After 10 Years", Prepared for <u>Review of Industrial Organization</u> Special Issue n Canadian Competition Policy (draft) (May 1997)
Director of Investigation and Research, Competition Act, <u>Strategic Alliances Under the Competition Act</u>



TABLE OF CONTENTS

Volume II

WEEK VI	SINGLEFIRM CONDUCT: PREDATORY PRICING
	lcGee, "Predatory Pricing Cutting: The Standard Oil (N.J.) Case", <u>JLE</u> , Oct. 1958, pp. 137-169
	lop, D. McQueen, and M. Trebilcock, <u>Canadian Competition Policy: A Legal</u> <u>and Economic Analysis</u> (Toronto: Canada Law Book, 1987) Chap.8 pp.207-247VI-33
Eddy M	<u>Match Co. et al</u> v. <u>The Queen</u> (1953) 109 C.C.C. 1
Regina	v. <u>Hoffmann-LaRoche Ltd</u> (1980) 28 O.R. (2d) 164
	ory Pricing Enforcement Guidelines, Director of Investigation and Research Competition Act (1992)VI-114
WEEK VII	SINGLEFIRM CONDUCT: PRICE DISCRIMINATION
	Varian, "Price Discrimination", <u>Handbook of Industrial Organization</u> , V. 1., R. Schmalensee and R.D. Willig (eds.) (1989)VII-1
	<u>iscrimination Enforcement Guidelines</u> , Consumer and Corporate Affairs Canada, <u>Competition Act</u> (1992)VII-30
<u>Utah Pi</u>	e Company v. Continental Banking Company et al. (1967) 87 Sct 1326VII-64
WEEK VIII	COMPETITION POLICY AND INTELLECTUAL PROPERTY
	Gallini and Michael Trebicock, <u>Competition Policy And Intellectual Property</u> <u>Rights,</u> (1995) (draft)VIII-1
*	ment of Justice, "Antitrust Guidelines for the Licensing and Acquisition of Intellectual Property", (1994) (draft)VIII-63
	Rey and Ralph Winter. "Exclusivity Restrictions and Intellectual Property", (1996)(draft)

WEEK IX VERTICAL RESTRAINTS: RESALE PRICE MAINTENANCE AND REFUSAL TO DEAL

(a) General	
	Mathewson and Ralph. A. Winter, "The Law and Economics of Resale Price aintenance" (July 1997) (draft)
	ger, "Understanding Raising Rivals' Costs: A Canadian Perspective", anadian Competition Policy Record 1994
(b) Resale Price	Maintenance
	acobucci, "The Case for Prohibiting Resale Price Maintenance" (1995) Orld Competition IX-59
(c) Refusal To D	eal
В	J.W. and A. N. Campbell, "Refusal To Deal (with Economics)", McMillan inch, prepared for Symposium on Recent Developments in Canadian impetition Law, U. of Toronto, Dec. 15, 1992IX-92
	iqi, Ross, Thomas W. and Stanbury, W.T., "Refusals to Deal and ftermarkets", (January 1997) (Draft)
	njamin, "Market Power in Antitrust: Economic Analysis after <u>Kodak</u> ", npublished)IX-153
WEEK X V	ERTICAL RESTRAINTS: EXCLUSIVE DEALING AND TYING
	thewson and Ralph Winter, "The Competitive Effects of Vertical Agreements: omments", (1987) 77 American Economic Review 1057X-1
	Brodley and Ching-to Albert Ma, "Contract Penalties, Monopolizing rategies, and Antitrust Policy", (1993) 45 Stanf. L.Rev. 1161X-7
Michael	Frebilcock, The Common Law of Restrain of Trade, pp. 370-382X-34
	of Investigation and Research v Bombardier Ltd (1980) 53 C.P.R. (2d) 47 dited)X-42
<u>R.T.P.C.</u>	D.I.R. v <u>BBM Bureau of Management</u> , (1981) 60 C.P.R. (2d) 26X-56
	Director of Investigation and Research v. The D & B Companies of Canada d. Order and Reasons for Order, Competition TribunalX-68

TABLE OF CONTENTS

Volume III

WEEK XI ABUSE OF DOMINANT POSITION

	Direct	or of Investigation and Research v. Nutrasweet Co., (1990) 62 C.P.R. (3d) 1 (edited)XI-1
	Chuch	J., and Ware, R., "Abuse of Dominance Under The 1986 Competition Act", Nov 5, 1996 (draft)
	Canada	a (Director of Investigation and Research) v. Tele-Direct (Publications) Inc. (1997), 73 C.P.R. (3d) 1 (edited)XI-115
WEEI	XII	THE PAST AND FUTURE OF COMPETITION POLICY
	Demse	etz, Harold, "How Many Cheers for Antitrust's 100 Years?" 30 <u>Economic Inquiry,</u> April 1992, pp. 207-218XII-1
	Michae	el Trebilcock, "Competition Policy and Trade Policy: Mediating the Interface" (1996) (draft)XII-12
	Gregor	Symposium on Competition Law and Deregulation in Network Industries of the Canadian Bar Association", June 14, 1996
	Gregor	ry J. Werden, "The Law and Economics of the Essential Facility Doctrine" 32 St. Louis U.L.J. 433XII-84

SUPPLEMENT

THE COMPETITION ACT

